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C O N F I D E N T I A L THE HAGUE 001560

SIPDIS

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TAGS: [PARM](#) [PREL](#) [NL](#)

SUBJECT: THE NETHERLANDS ON SA/LW NEGOTIATIONS ON MARKING AND TRACING

REF: A. STATE 99866

[1](#)B. DEAN-PICO EMAIL 06/01/05 (NOTAL)

Classified By: CLASSIFIED BY POLITICAL COUNSELOR ANDREW SCHOFER FOR REASONS 1.4 (B AND D)

[1](#)1. (C) PolMilOff delivered ref A demarche points to Dutch MFA Arms Transfer Policy Office Director Paul van den IJssel on June 1 (reported ref B) and followed up with him and action officer Marijn van Blom on June 3. Van den IJssel said that after the recent NPT RevCon, a positive result at the June 6-17 session of negotiations on marking and tracing of Small Arms and Light Weapons (SA/LW) would at least give a "glimmer of hope" in the realm of multilateral disarmament. The GONL wants concrete results on marking and tracing, as well as on brokering and arms transfers, which perhaps might one day lead to an international agreement. While acknowledging the U.S. preference for a politically binding agreement, van den IJssel said the Dutch (and the EU) attach great importance to securing a legally binding instrument. Van den IJssel said the U.S. position was harder to understand since U.S. legislation on the subject is "exemplary." In addition, he said the U.S. view also seemed inconsistent with its concerns that the EU's Code of Conduct on arms transfers is not legally binding as noted in discussions about the EU China arms embargo. Finally, given that the UN Firearms Protocol is legally binding, van den IJssel said that a subsequent agreement that is not legally binding might dilute the force of the former. The GONL understands that if the USG makes political commitments they will be kept; however, it believes this instrument may be more important for "less well-administered" states such as in Africa. According to van den IJssel, African governments have told the GONL they need a legally binding instruments to force compliance by their own personnel.

[1](#)2. (C) Concerning ammunition, the GONL (along with the EU) still believes this would be a helpful addition to an agreement. Van den IJssel said the GONL understands that a change in U.S. legislation would be required, "but that's part of any negotiation." He conceded the U.S. point that much ammunition had a short life cycle but said that some remains in stocks for longer periods of time. The Dutch note that the language on arms is legally binding, while the current text on ammunition is not as strong. Regarding additional U.S. points as noted ref A, van den IJssel said other countries have also expressed concern about the 30-year requirement for record keeping and suggested this be discussed further in New York. The GONL agrees with U.S. position on marking at the time of importation (as does the rest of the EU).

[1](#)3. (C) The Dutch hope that a consensus document can be achieved in New York that includes all major arms producing and exporting countries. Van den IJssel said the issue had been discussed in regular EU Troika meetings with other countries, and the Dutch impression is that most states support a legally binding agreement. He was surprised that the Russians did not express particular concern about the agreement. They expect the Chinese to follow consensus. The Dutch would appreciate the chance to discuss this issue further with U.S. delegation members further next week in New York.
SOBEL